

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Case No.: 3:23-cv-00447-MMD-CSD

WALTER ENGLAND,

Plaintiff

V.

CHRISTIAN HOYT,

Defendants

Order

Re: ECF No. 1

Plaintiff has filed an application to proceed *in forma pauperis* (IFP) and a pro se civil complaint. (ECF Nos. 1, 1-1.)

The Local Rules of Practice for the District of Nevada provide: “Any person who is unable to prepay the fees in a civil case may apply to the court for authority to proceed *in forma pauperis* (IFP). The application must be made on the form provided by the court and must include a financial affidavit disclosing the applicant’s income, assets, and liabilities.” LSR 1-1.

Plaintiff completed the short form application to proceed IFP which states that his take-home pay or wages are \$1,200 bi-weekly, and the only expenses he lists is \$424 bi-weekly for housing. On these bare statements, the court cannot conclude that Plaintiff is unable to pay the \$402 filing fee (consisting of the \$350 filing fee and \$52 administrative fee). Therefore, Plaintiff's IFP application (ECF No. 1) is **DENIED WITHOUT PREJUDICE**.

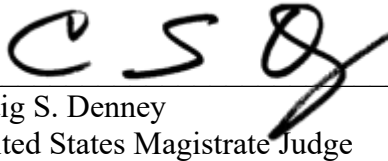
The Clerk shall **SEND** Plaintiff a copy of the instructions and application to proceed IFP for a non-prisoner. Plaintiff has **30 days** from the date of this Order to either file his completed IFP application with sufficient information allowing the court to conclude that he is unable to

1 pay the filing fee, or pay the full \$402 filing fee. If Plaintiff files a completed IFP application that
2 demonstrates he is unable to pay the filing fee, the court will screen his complaint under
3 28 U.S.C. § 1915(e)(2)(B), which requires dismissal of a complaint, or any portion thereof, that
4 is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks
5 monetary relief against a defendant who is immune from such relief.

6 If Plaintiff fails to timely file a completed IFP application or pay the filing fee, the court
7 will recommend dismissal of this action without prejudice.

8 **IT IS SO ORDERED.**

9 Dated: September 14, 2023

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11 Craig S. Denney
12 United States Magistrate Judge
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